

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

AUG 08 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

| | | |
|----------------------------------|---|----------------------|
| In the Matter of |) | |
| |) | MM Docket No. 97-138 |
| Review of the Commission's Rules |) | |
| regarding the main studio and |) | |
| local public inspection files of |) | |
| broadcast television and radio |) | |
| stations |) | |
| |) | |
| 47 C.F.R. §§ 73.1125, |) | |
| 73.3526 and 73.3527 |) | |
| |) | |

COMMENTS OF MAX MEDIA PROPERTIES LLC

Max Media Properties LLC (Max Media), by its undersigned counsel, hereby submits its initial comments in response to the Notice of Proposed Rulemaking (NPRM)¹ in the above-captioned proceedings. The NPRM seeks comment on the Commission's proposal to relax its rules governing a broadcast licensee's main studio and local public inspection file.

Max Media has an ownership interest in a combined total of fourteen (14) full power television and radio stations nationwide. As such, Max Media expends a considerable amount of time, energy and money complying with the current, out-dated Commission rules and regulations governing the main studio and public inspection file.

¹ FCC 97-182 (released May 28, 1997).

024

MAIN STUDIO

The FCC's current rules requiring a licensee to locate its main studio within the station's community of license contour is costly and unnecessary. Max Media recognizes the obligation of a station to serve its community. However, limiting the main studio location to the principal community contour is not necessarily the best, or most cost effective, way to do so.

As pointed out in the NPRM, station ownership rules have relaxed, allowing an entity to own as many as eight commercial radio stations in one market.² It is, for obvious reasons, most efficient to run multiple stations from one centrally located office. It provides for substantial savings in terms of rent, utilities, and personnel. Such savings may be used by a licensee to better serve its community by providing the means for a station to produce more quality local programming or to more actively participate in the community.

It is possible for a station to be located outside of its principal community contour and still be entirely accessible to the community it serves. Max Media agrees that it is important for residents of the community to be in a position to visit the main studio and therefore the studio should be located somewhere considered "reasonably accessible".

Max Media supports the Commission's proposal to require that the main studio be located within the principal community contour of any station licensed to the community of license in question, or

² See, NPRM at ¶ 8.

within a set number of miles from the community center. This provides the greatest flexibility, while ensuring that a community is served. It also establishes a clear, easy-to-apply rule, eliminates the differential treatment in the current rule between low and high power stations, and gives many stations a larger area within which to choose a studio location."³

LOCAL PUBLIC INSPECTION FILE RULES

Max Media has a strong interest in seeing that the Commission's public inspection file rules are revised. Max Media finds itself in several situations where the current rules are burdensome and illogical.

For example, Max Media has an interest in four radio stations in the Virginia Beach area. The main studio for all four is located in Virginia Beach. "Station One" is licensed to Virginia Beach and its public file is therefore found at the main studio. "Station Two" is licensed to Norfolk, Virginia, the city limits of which end just four blocks from where the studio is located. Despite the fact that a resident may walk to the studio from Norfolk, the station is forced to keep the public file in a non-affiliated television station situated in Norfolk.

"Station Three" is licensed to serve Suffolk, Virginia. Suffolk is less than 20 miles from the studio in Virginia Beach. A copy of the public file is kept both at the studio and at a lawyer's office in downtown Suffolk.

³See, NPRM at ¶14.

"Station Four" is similarly licensed to a city less than 20 miles from the studio. A copy of the public file is kept both at the studio and at a real estate office. Max Media therefore has four radio stations licensed to communities within a 20 mile radius of its studios. The current rules require it to maintain seven separate public files at four different locations. Max Media experiences similar situations at other radio and television stations with centrally located studios.

Requiring that a public file be kept at a location other than the studio when the rules require that a studio be "reasonably accessible" to the community it serves is duplicative and an unnecessary waste of time and resources. The main studio is the most obvious and logical place that any member of the public would go to examine the station's public file. Furthermore, files located elsewhere are not under the direct supervision of the station's employees and are therefore subject to loss and mishandling.

Allowing a licensee to keep its public inspection file at its studio, even when the studio is located outside of the community of license, will reduce the regulatory burden on licensees while, at the same time, in no way disturbing the public interest benefit of having the file reasonably accessible to members of the community.


Max Media therefore supports the Commission's proposal to allow station licensees to maintain their public file at the main

studio location, even when not located in the principal community of license.

Respectfully submitted,

MAX MEDIA PROPERTIES LLC

By:


Jill Canfield

Evans & Sill, P.C.
1627 Eye Street, NW
Suite 810
Washington, D.C. 20006
(202)293-0700

August 8, 1997

Its Attorneys